

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 14-20420

District Judge Victoria A. Roberts

AHMAD RASHID LEWIS,

Defendant.

ORDER DENYING MOTION TO VACATE SENTENCE [ECF No. 55]

I. INTRODUCTION

This matter is before the Court on Ahmad Lewis' *pro se* Motion to Vacate Sentence pursuant to 28 U.S.C. § 2255.

Lewis' motion is **DENIED**.

II. BACKGROUND

Lewis' pled guilty to possession with intent to distribute a controlled substance, in violation of 21 U.S.C. §§ 841(a)(1).

The Court sentenced Lewis to a 60-month term of imprisonment to run consecutively with Case No. 16-cr-20003. Judgment was entered on October 26, 2017. Lewis did not appeal.

III. ANALYSIS

An unappealed federal criminal judgment becomes final ten days after it is entered, for purposes of 28 U.S.C. § 2255 statute of limitations.

See *Sanchez-Castellano*, 358 F.3d 424, 426-27 (6th Cir. 2004). Lewis' conviction became final on November 6, 2017. The Antiterrorism Effective Death Penalty Act ("AEDPA") imposes a one-year period of limitations to file a habeas petition under 28 U.S.C. § 2255, which runs from the date on which the judgment for a criminal conviction becomes final. Accordingly, the statute of limitations set forth in 28 U.S.C. § 2255(f)(1) expired on November 6, 2018, one year after the date on which Lewis' judgment of conviction became final.

Lewis did not file this motion until June 28, 2019, which is more than a year beyond the expiration of the statute of limitations. Thus, Lewis' motion is time-barred. See *Gillis v. United States*, 729 F.3d 641, 643-44 (6th Cir. 2013).

IV. CONCLUSION

Lewis' motion was untimely, and the Court declines to reach its merits. His motion to vacate is **DENIED**.

IT IS ORDERED.

s/ Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: January 2, 2020